

**MINUTES OF THE ILLINOIS WORKERS' COMPENSATION COMMISSION
THOMPSON CENTER, 8TH FLOOR, ORAL ARGUMENT ROOM
OPEN SESSION - SEPTEMBER 1, 2010**

Present at the meeting were:

Chairman Mitch Weisz
Commissioner Mario Basurto
Commissioner Yolaine Dauphin
Acting Commissioner Joann Fratianni
Commissioner David Gore
Commissioner Kevin Lamborn
Commissioner Molly Mason
Commissioner Barbara Sherman

Participating via Conference Call

Commissioner Daniel Donohoo
Commissioner Nancy Lindsay

IWCC staff present at the meeting were:

Ms. Amy Masters, Secretary of the Commission
Ms. Carolyn Parks, Executive Director
Mr. Darrell Widen, Assistant General Counsel

Chairman Mitch Weisz called the meeting to order at 1:05 p.m.

Upon motion duly made, seconded and carried, the minutes of the Commission meeting held on June 25, 2010 was unanimously approved.

Chairman Weisz discussed with the Commission having Acting Commissioner Fratianni (as arbitrator) train Ms. Lynette Thompson-Smith to review *pro se* contracts and oversee status calls in the Chicago office. He indicated Ms. Thompson-Smith, who currently serves as attorney with the Self-Insurance division, has additional time due to the reduced number of pending Self-Insurance Security Fund claims. The Commission discussed authority provided by the Act for a non-arbitrator to approve contracts and the need for an experienced person to review *pro se* contracts. Acting Commissioner Fratianni made a motion that she would present reports to the Commission regarding training of Ms. Thompson-Smith for the status call and *pro se* contract review to the Commission, and would fully transition Ms. Thompson-Smith to conduct the status call. Commissioner Gore seconded the motion. The motion was unanimously approved.

Chairman Weisz discussed how 4(d) petitions should be addressed on the Commission level pursuant to the Appellate Court decision in *Keating* as outlined in a memo drafted by Assistant General Counsel Darrell Widen and distributed to the Commissioners. In the interest of expediency, petitions filed under 4(d) would each be randomly assigned to a Commissioner and addressed by the Commissioner on his or her normal review call and an order circulated to their respective panel. The Commission discussed the proposed procedures, including necessary findings to be made by Commissioners, necessary service on the respondent, review of findings, employer coverage search process conducted by the Insurance Compliance department, implementation of related rules, and development of a template 4(d) decision form.

Next Chairman Weisz presented a nearly unanimous rule change recommendation from the Medical Fee Advisory Board to change out-of-state payment language from paying “greater than” 76 percent of charge (POC) or the other state’s fee schedule, to paying “lesser than” 76POC or the other state’s fee schedule. The Commission discussed the rule change and balance-billing issues. Acting Commissioner Fratianni made a motion to amend rules language regarding out-of-state medical payments from “greater than” to “lesser than.” Commissioner Gore seconded the motion. The motion was unanimously approved.

Chairman Weisz noted two comments he recently received regarding the Commission process. He urged Commissioners to expedite perfunctory decisions and to reduce time to edit and review decisions between Commissioners.

Next, Acting Commissioner Fratianni made a motion to go into closed session. Commissioner Sherman seconded the motion. The motion was unanimously approved.

Once the meeting returned to open session, Commissioner Gore made a motion to adjourn. Commissioner Basurto seconded the motion. The meeting adjourned at 2:50 p.m.